




IRW

PATENT

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants: Mikhail F. Gordeev et al.)	I hereby certify that this paper is being
)	deposited with the United States Postal
Serial No.: 10/729,816)	Service with sufficient postage as first
)	class mail in an envelope addressed to
Filed: December 5, 2003)	Mail Stop Amendment, Commissioner for
)	Patents, P.O. Box 1450, Alexandria,
Title: ANTIMICROBIAL QUINOLONE)	Virginia 22313-1450, on September 3,
DERIVATIVES AND USE OF)	2004.
THE SAME TO TREAT)	
BACTERIAL INFECTIONS)	
)	
Group Art Unit: 1626)	
)	
Examiner: Golam M. Shameem)	
)	
Attorney Docket No.: 28341/6304.NDV1)	


James P. Zeller (Reg. No. 28,491)
Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is being presented in accordance with 37 CFR § 1.143 and in response to an official action dated August 9, 2004, wherein pending claims 17 and 20-25 were subjected to a four-way restriction requirement pursuant to 35 USC § 121. Specifically, the action alleges that patentably distinct inventions are recited among the following four groups:

Group I	Claim 17;
Group II	Claims 20 and 21;
Group III	Claims 22 and 23; and,
Group IV	Claims 24 and 25.

See the action, at p. 2. The action also states that if any one of the inventions of Groups II through IV are elected for further prosecution, an election of a single compound is required including an exact definition of each substitution on the base molecule, and an identification of all pending claims that read on the specific election. The action indicates that, upon such an election, a generic concept — inclusive of the specific election — will be examined. See the action, at pp. 4 and 5.

The applicants concede that Group I and IV each are drawn to an invention that is separately patentable from the invention recited in Groups II and III. The applicants, however,